

8/20/04
Casper



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 10/705,432 Confirmation No. 4884
Applicant : Auerbach et al.
Filed : 10 November 2003
TC/A.U. : 1632
Examiner : Montanari, David A.
Docket No. : 784
Customer No.: 26693

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR § 1.132

Sir:

I, David Frendewey, Ph.D., declare as follows:

1. I am a co-inventor of the invention described and claimed in the above-identified patent application. I presently hold the position of Director, Targeted ES Cell Production at Regeneron Pharmaceuticals, Inc., having its principal place of business at 777 Old Saw Mill River Road, Tarrytown, New York 10591.

2. I am aware that the instant application claims our method of targeting mouse ES cells with a targeting vector having a ubiquitin promoter, a drug resistance gene under control of the ubiquitin promoter, and homology arms directing the targeting vector to a pre-selected chromosomal location.

3. The above-referenced specification describes the results of experiments in which targeting vectors having different promoters were constructed and tested for gene targeting to different mouse genes. The vectors contained homology arms that targeted the vector to a desired pre-selected gene locus, a drug resistance gene, and a promoter controlling expression of the drug resistance gene. Table 2 as filed provided data for targeting vectors